

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

OTG MANAGEMENT PHL LLC;

OTG MANAGEMENT PHL B, LLC;

LAGUARDIA USA LLC;

LGA AIRPORT RESTAURANTS, L.P.;

OTG DCA VENTURE II LLC;

OTG JFK T2 VENTURE, LLC;

OTG JFK T5 VENTURE, LLC;

OTG MANAGEMENT T8 LLC;

OTG MANAGEMENT JFK LLC;

OTG MANAGEMENT EWR LLC;

OTG MANAGEMENT IAH, LLC;

OTG MANAGEMENT MIDWEST LLC;

OTG MANAGEMENT YYZ, LLC;

OTG MCO VENTURE II LLC;

OTG ORD VENTURE LLC;

OTG EXPERIENCE, LLC;

OTG CONCEPTS FRANCHISING, LLC;  
AND

OTG MANAGEMENT LLC,

Plaintiffs,

v.

EMPLOYERS INSURANCE COMPANY OF  
WAUSAU,

Defendant.

Civil Action No.: 2:21-cv-01240-WJM-MF

**DEFENDANT EMPLOYERS  
INSURANCE COMPANY OF WAUSAU'S  
NOTICE OF MOTION TO DISMISS**

**Return Date: May 17, 2021**

**TO: Kevin V. Small, Esq.**  
HUNTON ANDREWS KURTH LLP  
200 Park Avenue  
New York, New York 10166  
(212) 309-1226  
[ksmall@huntonak.com](mailto:ksmall@huntonak.com)  
*Attorneys for Plaintiffs*

**PLEASE TAKE NOTICE** that on May 17, 2021, at 9:00 a.m., or on such date as may be directed by the Court, Defendant Employers Insurance Company of Wausau (“Wausau”), by and through its attorneys, Finazzo Cossolini O’Leary Meola & Hager, LLC, shall move before the United States District Court for the District of New Jersey, Newark Vicinage, for an Order dismissing the claims asserted by Plaintiffs against Wausau in their entirety, pursuant to Fed. R. Civ. P. 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that in support of said Motion, Wausau relies upon the Memorandum of Law and Certification of Christopher S. Finazzo, Esq., appended thereto.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that oral argument is respectfully requested.

Dated: March 26, 2021

**FINAZZO COSSOLINI O’LEARY  
MEOLA & HAGER, LLC**

By: /s/ Christopher S. Finazzo  
CHRISTOPHER S. FINAZZO, ESQ.  
67 East Park Place, Suite 901  
Morristown, New Jersey 07960  
(973) 343-4960  
[christopher.finazzo@finazzolaw.com](mailto:christopher.finazzo@finazzolaw.com)  
*Attorneys for Defendant  
Employers Insurance Company of Wausau*

**CERTIFICATION OF SERVICE**

I hereby certify that on March 26, 2021, I caused Defendant Employers Insurance Company of Wausau's Notice of Motion to Dismiss, Memorandum of Law, Certification of Christopher S. Finazzo, Esq., proposed form of Order, and this Certification of Service to be electronically filed with the Clerk of the Court, United States District Court for the District of New Jersey, and that a copy was served electronically via ECF on the following:

**Kevin V. Small, Esq.**  
HUNTON ANDREWS KURTH LLP  
200 Park Avenue  
New York, New York 10166  
(212) 309-1226  
[ksmall@huntonak.com](mailto:ksmall@huntonak.com)  
*Attorneys for Plaintiffs*

/s/ Christopher S. Finazzo  
CHRISTOPHER S. FINAZZO, ESQ.